

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CARLOS E. VALLE, : NO. 1:10-CV-00533  
: :  
Plaintiff, : :  
: :  
v. : **OPINION AND ORDER**  
: :  
MACYS/DSNB, : :  
: :  
Defendant. : :

This matter is before the Court on the Magistrate Judge's September 20, 2010 Report and Recommendation (doc. 7), to which no party has filed an objection. For the reasons indicated herein, the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation in all respects, and DISMISSES this matter for lack of prosecution.

The Magistrate Judge reported the background of this case as follows. Plaintiff submitted a "Complaint under the Constitution (Bivens action), Title 28 Section 1331(a) U.S. Code" against Macys/DSNB (doc. 7). On August 10, 2010, the Court ordered Plaintiff to submit a certified copy of his trust fund account statement or institutional equivalent, or pay the full filing fee of \$350.00 (doc. 2).

The Clerk subsequently received documents with discrepancies in the name of Plaintiff, such that the Court ordered Plaintiff to show cause within twenty days as to why his Complaint should not be dismissed for failure to comply with the Court's

Order (doc. 5). Plaintiff has failed to comply with the Court's show cause order, and the Magistrate Judge therefore recommended that the Court dismiss this matter for want of prosecution (doc. 7).

Having reviewed this matter, the Court finds Magistrate Judge's Report and Recommendation well-taken. District courts have the inherent power to sua sponte dismiss civil actions for want of prosecution to "manage their own affairs so as to achieve the orderly and expeditious disposition of cases." Link v. Wabash R.R. 370 U.S. 626, 630-31 (1962). Failure of a party to respond to an order of the court warrants invocation of the Court's inherent power. See Fed. R. Civ. P. 41(b).

Here, Plaintiff has failed to respond to the Court's order to show cause, and failed to comply with the Court's August 10, 2010 Order. Plaintiff has therefore failed to prosecute his claims against Defendant. Consequently, the Court finds appropriate the dismissal of Plaintiff's claims.

Accordingly, the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation (doc. 7), DISMISSES Plaintiff's Complaint for lack of prosecution and failure to abide by a court order, and TERMINATES this case from the Court's docket. The Court further CERTIFIES pursuant to 29 U.S.C. § 1915(a)(3) that for the foregoing reasons an appeal of this Order would not be taken in

good faith. McGore v. Wrigglesworth, 114 F.3d 601 (6<sup>th</sup> Cir. 1997).

SO ORDERED.

Dated: October 21, 2010

/s/ S. Arthur Spiegel

S. Arthur Spiegel

United States Senior District Judge